

Notice of Allowability

Application No.

10/735,356

Applicant(s)

TOMAS ET AL.

Examiner

Alexander Grosz

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to PRELIM AMT DATED 6/10/04
2. ☒ The allowed claim(s) is/are 1, 2, 31-36, 3, 9, 11, 25, 23, 26-30, 8, 13-21 RENUMBERED AS 1-28
3. ☒ The drawings filed on 12/12/03; 6/10/04 (25) are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 3/1/04; 7/29/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 03072005
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Alexander Grosz
Primary Examiner
Art Unit: 3673

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Lazarus on 3/3/05.

In claim 1, lines 3, 4, change "the clamping means including a pair of jaws configured to move relative to one another" to the following new paragraph:

-the clamping means including a left clamp and a right clamp, wherein each clamp includes a fixed jaw configured to be positioned under the mattress, a movable jaw configured to be positioned over the mattress and to move relative to the fixed jaw to clamp the mattress between the fixed jaw and the movable jaw,-

In claim 23, last line, after "ratchet" insert the following:

-, and wherein the clamp includes a fixed jaw configured to be positioned under the mattress, a movable jaw configured to be positioned over the mattress and to move relative to the fixed jaw to clamp the mattress between the fixed jaw and the movable jaw -

The following is an examiner's statement of reasons for allowance: On or about 6/1/04, I called Mr. Bayley to discuss the Alexander (2,071,155) patent and negotiate claim language to patentably distinguish over it.

On 6/10/04, Mr. Bailey submitted a preliminary amendment, patentably distinguishing the claims over Alexander, and making some formal changes to the specification and drawings, requested on or about 6/1/04.

On 2/22/05 Mr. Lazarus and I discussed the newly found reference Wolf (2,722,693) and agreed that claims 1, 23 need to be amended to specify that a fixed clamp jaw is positioned under the mattress, and a movable jaw is positioned over the mattress.

Wolf teaches clamp jaws on the left and right side of the mattress, not above and below it. Wolf does not suggest the now claimed clamp jaw arrangement.

On 3/3/05 Mr. Lazarus faxed an informal, unsigned amendment to my personal (right fax) fax number, which amends claims 1, 23 as set forth above, placing the application in condition for allowance.

Mr. Lazarus also faxed an informal, unsigned IDS, listing the art cited on attached PTO-892.

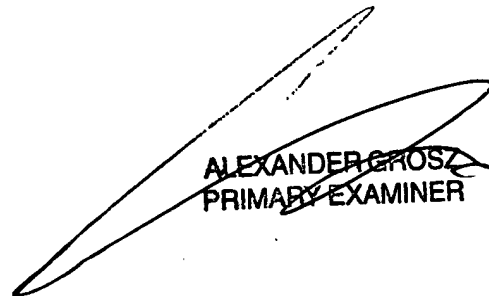
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication should be directed to Alex Grosz at telephone number (703) 308-2498.

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March 8, 2005


ALEXANDER GROSZ
PRIMARY EXAMINER